REMARKS

Claims 1-43 are pending.

Rejections of claims 1, 2, 4-6, 8-11, 13, 14, 16-18, 20-23, 25-27, 29-31, and 33-36 under 35 U.S.C. §103(a)

Independent claims 1, 13, 25, and 26 and dependent claims, 2, 4-6, 8-11, 14, 16-18, 20-23, 27, 29-31, and 33-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Nagaoka et al.* (U.S. Patent No. 6,574,656) in view of the Microsoft Press Computer Dictionary (1997). Applicant traverses these rejections for at least the following reasons, and respectfully requests that the rejections be reconsidered and withdrawn.

To establish *prima facie* obviousness, all of the limitations of a claim must be taught or suggested by the cited art. *In re Royka*, 490 F.2d 981 (CCPA 1974). In addition, all words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

Claim 1 recites, in part, a method for controlling access to a server device by at least one client device including causing a user-side portion of a network server logic within the server device to selectively specify at least one network from which the user-side portion would accept client device information. The method includes causing a kernel-side portion of the network server logic to accept the client device information only if the client device information has been provided via the specified network. Thus, in claim 1, the user-side portion and the kernel-side portion are within the server device to which access is being controlled.

By contrast, *Nagaoka et al.* disclose separate subsystems for groups that are geographically distant from each other. See *Nagaoka et al.*, col. 7, lines 1 – 3; Fig. 1. Each of the subsystems corresponds to a particular group, and includes an authorization system that determines whether operators in the corresponding group are authorized to log into the subsystem. See *id.*, col. 7, lines 43-55. Because the subsystems and their authorization systems correspond to geographically distant groups, the subsystems and their authorization systems are not within the server device to which access is being controlled. Therefore, *Nagaoka et al.* fail to teach or suggest systems that are within the server device to which access is being controlled, as recited in claim 1.

Furthermore, *Nagaoka et al.* does not show a server device with a user-side portion and a kernel-side portion, as recited in claim 1. The Examiner asserts that one server or subsystem in *Nagaoka et al.* equates to the user-side portion and that another server or subsystem in *Nagaoka at al.* equates to the kernel-side portion. The Examiner does not cite any reference that supports such assertions. The Examiner is apparently basing this assertion on his own personal knowledge. Applicant traverses the Examiner's assertions. If the Examiner maintains this rejection based on these assertions, the Applicant requests that the Examiner provide a signed affidavit setting forth specific statements and explanation to support the assertions. MPEP 2144.03.

Additionally, *Nagaoka et al.* fails to teach or suggest causing a kernel-side portion of the network server logic to accept the client device information only if the client device information has been provided via the specified network. At column 8, lines 46 – 55, cited by the Office, *Nagaoka et al.* teaches an execution server that accepts information from another subsystem, regardless of the group

name, via a communication line. The execution server then executes a command in the client side information based on a group name in the client side information. Thus, rather than accepting client device information only if the client device information has been provided via the specified network, *Nagaoka et al.'s* execution server determines whether to execute a command from another subsystem.

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000). The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999).

The Office has unreasonably interpreted the terms user-side portion within a server device and a kernel-side portion within the same server device to include two servers. Such an interpretation is inconsistent with the specification and the interpretation that those skilled in the art would reach. According to the specification, a user-side portion corresponds to a user-side resource on a server device. A kernel-side portion corresponds to an OS kernel-side resource, such as a TCP/IP driver, on the server device. The user-side portion and the kernel-side portion interact to selectively restrict the local network interfaces and IP addresses on which requests are accepted by the server. *Nagaoka et al.*, by contrast, teach authorization systems in separate subsystems, each determining whether an operator can access the other subsystem.

Because *Nagaoka et al.* do not explicitly teach a user-side portion and a kernel-side portion in a server device, *Nagaoka et al.* would have to be modified to achieve a system corresponding to claim 1. For prima facie obviousness, such a

modification would need to be suggested in *Nagaoka et al.* itself. MPEP 2143. However, if a modification would render *Nagaoka et al.* unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the modification. *In re Gordon*, 733 R.2d 900 (Fed. Cir. 1984).

In this case, the *Nagaoka et al.* system could not be modified to correspond to the method of claim 1 without rendering the *Nagaoka et al.* system unsatisfactory for its intended purpose. As discussed throughout *Nagaoka et al.*, each subsystem is installed for and represents a particular group. The groups and their corresponding subsystems are separate from each other. The various authorization servers and execution servers of each of the subsystems could not be put into one server without completely changing the meaning and purpose of *Nagaoka et al.*

In addition, the nature of the respective problems to be solved by *Nagaoka et al.* and the invention of the present application are different. *Nagaoka et al.* attempt to solve the problem of improper data manipulation by operators. See *Nagaoka et al.*, col. 1, lines 27 – 31. While the invention of the present application could be used to prevent such improper data manipulation, the invention proposes to solve problems raised by conventional control methodologies that (1) place a heavy burden on the kernel-side software by requiring the opening and management of a plurality of communication sockets, each being bound to a specific network/address or (2) place a heavy burden on the user-side software by having the network server software open a wildcard socket bound to several networks that relies on the user software for the requisite management/policing. See Application, p. 2, lines 4 – 9. Because the natures of the problems to be

solved are different, *Nagaoka et al.* does not suggest a method as recited in claim 1.

For at least the foregoing reasons, claim 1 is allowable over the cited art, and allowance is respectfully requested. Claims 13 and 26 have limitations similar to those in claim 1, and are therefore believed to be allowable for at least the same reasons given for claim 1.

Claims 2 – 12 each depend in some way from claim 1, which is believed to be allowable. Therefore, claims 2 – 12 are allowable for at least the same reasons as claim 1. Furthermore, claims 2 – 12 each recite additional limitations that are not taught or suggested in the cited art. Accordingly, claims 2 – 12 are allowable and such allowance is respectfully requested.

With specific regard to claim 4, the Office asserts that the communication line 200 in *Nagaoka et al.* corresponds to a socket recited in claim 4. Applicant traverses this assertion. As explained in the Applicant's specification, examples of sockets are "Berkeley Sockets" and Windows™ Sockets, which are API software programs that are operatively configured to receive requests from a client device over a network and in response perform one or more services expressed in the request(s) on the clients' behalf.

By contrast, the communication line 200 in *Nagaoka et al.* is a permanent communications network. For example, *Nagaoka et al.* refer to the communication line 200 as the network 200 at col. 13, line 33. There is no indication in *Nagaoka et al.* that the communication line 200 is anything other than a permanent connection. Indeed, *Nagaoka et al.* require that the connection between be established so that the authorization server 330 can determine whether

a group associated with subsystem 100 is authorized to use a command on subsystem 300.

Claims 14 – 24 each depend in some way from claim 13, which is believed to be allowable. Therefore, claims 14 – 24 are allowable for at least the same reasons as claim 13. Furthermore, claims 14 – 24 each recite additional limitations that are not taught or suggested in the cited art. Accordingly, claims 14 – 24 are allowable and such allowance is respectfully requested.

Claims 27 – 37 each depend in some way from claim 26, which is believed to be allowable. Therefore, claims 27 – 37 are allowable for at least the same reasons as claim 26. Furthermore, claims 27 – 37 each recite additional limitations that are not taught or suggested in the cited art. Accordingly, claims 27 – 37 are allowable and such allowance is respectfully requested.

Claim 25 recites, in part, a user-side portion of a network server process and a kernel-side portion of a network server process. *Nagaoka et al.* neither teaches nor suggests a user-side portion of a network server process or a kernel-side portion of a network server process. Claim 25 is believed to be allowable and such allowance is respectfully requested.

Rejections of claims 3, 12, 15, 24, 28, and 37 under 35 U.S.C. §103(a)

Dependent Claims 3, 12, 15, 24, 28, and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Nagaoka et al.* and the Microsoft Press Computer Dictionary and in further view of *Comay et al.* (U.S. Patent No. 6,363,489). Applicant traverses these rejections for at least the following reasons, and respectfully requests that the rejections be reconsidered and withdrawn.

As discussed above, *Nagaoka et al.* and the Microsoft Press Computer Dictionary fail to teach or suggest all the claim limitations of independent claims 1, 13, and 26. Therefore, claims 3, 12, 15, 24, 28, and 37 are believed to be allowable for the same reasons as claims 1, 13, and 26.

In addition, claims 3, 15, and 28 recite, in part, a kernel-side portion that notifies the client device using at least one message selected from a group of messages comprising a TCP reset message and an ICMP destination unreachable message, as applicable. The Examiner states that these features are well known in the art and it would have been an obvious modification of the system disclosed by *Nagaoka et al.* and the Microsoft Press Computer Dictionary, as evidenced by *Comay et al.*

However, *Nagaoka et al.* discusses determining whether to execute a command from a group if the group is authorized to execute that command. Because *Nagaoka et al.'s* execution server 300 always receives the transaction command issued by the issuing subsystem, and then determines whether to execute it, a TCP reset message or an ICMP destination unreachable message would be meaningless and incorrect if sent back to an unauthorized group. Therefore, there is no suggestion or motivation to combine *Nagaoka et al.* and *Comay et al.*

For at least the foregoing reasons, claims 3, 12, 15, 24, 28, and 37 are believed to be allowable, and such allowance is respectfully requested.

Rejections of claims 7, 19, and 32 under 35 U.S.C. §103(a)

Dependent Claims 7, 19 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Nagaoka et al.* and the Microsoft Press Computer Dictionary and in further view of *Skopp et al.* (U.S. Patent No. 6,256,739).

Applicant traverses these rejections for at least the following reasons, and respectfully requests that the rejections be reconsidered and withdrawn.

As discussed above, *Nagaoka et al.* and the Microsoft Press Computer Dictionary fail to teach or suggest all the claim limitations of independent claims 1, 13, and 26. Therefore, claims 7, 19 and 32 are believed to be allowable for the same reasons as claims 1, 13, and 26.

Furthermore, claims 7, 19, and 32 recite additional limitations that are neither taught nor suggested by the art of record. For at least the foregoing reasons, claims 7, 19, and 32 are believed to be allowable and such allowance is respectfully requested.

New Claims

New claims 38 – 43 have been added. New claims 38 – 43 add no new matter. New claims 38 – 43 are believed to be allowable over the art of record.

Conclusion

The pending claims have been placed in condition for allowance and are patentable over the cited art and should therefore be allowed.

Respectfully Submitted,

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